

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States District Court
Southern District of Texas
FILED

MAY 24 2013

United States of America)
v.)
Juan Antonio Moreno (YOB: 1983; U.S. Citizen))
Jesse Joe Mata (YOB: 1991; U.S. Citizen))

David J. Bradley, Clerk
Case No. **M-13-0947-M**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 12, 2012 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

Title 18, U.S.C. Section 924(c)
Title 18, U.S.C. Section 2

knowingly and intentionally discharged, used and carried a firearm, that is a handgun and rifle, during and in relation to a drug trafficking crime, to-wit: conspiracy to possess with intent to distribute a controlled substance, for which they may be prosecuted in a court of the United States

This criminal complaint is based on these facts:

See Attachment

☒ Continued on the attached sheet.


Complainant's signature

Matthew D. Hiemstra, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/23/2013 3:50 pm


Judge's signature

City and state: McAllen, Texas

Peter E. Ormsby, U.S. Magistrate Judge

Printed name and title

Attachment

I, Matthew D. Hiemstra, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (hereinafter referred to as "FBI") in McAllen, Texas. I have conducted numerous investigations related to crimes of violence. This affidavit is based on information provided to me by the investigators from the Hidalgo County Sheriff's Office (hereinafter referred to as "HCSO").
2. On April 12, 2012, at approximately 2:05 a.m., HCSO deputies were dispatched to a residence located at 7112 Rambo Street in Edinburg, Hidalgo County, Texas in response to a shooting incident. Upon arrival the deputies encountered two men who had been shot. The men were identified as Victor Serna and his son, Eric Serna. Victor Serna, the homeowner, was shot in the back of his head and died the following day. Eric Serna was shot in the stomach and leg and survived.
3. Eric Serna told investigators that while asleep in his room with his wife and young child he heard someone breaking in through the front door of their residence. After getting up from his bed, he encountered a man carrying a rifle. At that point, Eric Serna began struggling with this man for control of the rifle. Shortly thereafter, Victor Serna in possession of a firearm came out of his bedroom to Eric Serna's aid. While struggling with this man, another man came from behind Victor Serna and shot him in the back of the head and then shot Eric Serna in the stomach and leg.
4. Later that same day, HCSO investigators were notified that a male subject was transported to the Edinburg Regional Children's Hospital with a gunshot wound to the abdomen. The male subject was transported to the hospital by Juan Antonio MORENO (hereinafter referred to as "MORENO"). MORENO was questioned and admitted to his involvement in the home invasion of the residence located at 7112 Rambo Street. MORENO told investigators that he drove around the area as a lookout for law enforcement while other individuals committed the home invasion. MORENO also told investigators that his nephew, Jesse Joe MATA

(hereinafter referred to as "MATA") drove a Ford Explorer to the residence located at 7112 Rambo Street for the purpose of transporting the marijuana that they were going to steal. MORENO then told investigators that while conducting surveillance for law enforcement he met up with MATA and saw a man in the Ford Explorer that had been shot during the home invasion. At that time, MORENO drove the man to Edinburg Children's Hospital.

5. During questioning, MATA told investigators that his uncle, MORENO, approached him regarding a home invasion for the purpose of stealing some marijuana. Before conducting the home invasion, MATA told investigators that he and MORENO along with other men met at a location near 7112 Rambo Street where MATA saw a man with a rifle. After this meeting, four men got into an SUV; MATA drove a Ford Explorer; and MORENO drove a Grand Prix. MATA followed the SUV to 7112 Rambo Street where several men from the SUV broke into the residence. Shortly thereafter, MATA saw a man carrying a large bundle believed to contain marijuana and putting it into the SUV. MATA then heard shots and saw another man who had been shot jump into the Ford Explorer. MATA then drove off and met with MORENO who transported the man to the hospital.